

## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	***************************************	ATTORNEY DOCKET NO.					
08/158,033	11/26/93	FILEFP	R	PADOUS					
PAUL C. SCIFO	ı	EPM1/0405	ROBERTSO	БХ <b>4</b> МINER					
: 233 BROADWAY, NEW YORK, NY	SUITE 470 10279	3	ART UNIT	PAPER NUMBER					
•	= - <del></del>	•	2312	2					
			DATE MAILED:	04/05/94					
This is a communication from the COMMISSIONER OF PATENTS	examiner in charge of aND TRADEMARKS	your application.							
		i .							
This application has been	examined	Responsive to communication filed on		This action is made final.					
A shortened statutory period for Fallure to respond within the p	or response to this a eriod for response w	ction is set to expire month ill cause the application to become abandone	(s),	s from the date of this letter.					
2 mg -	,	RE PART OF THIS ACTION:							
Notice of Reference	es Cited by Examiner	, PTO-892. <b>2.</b> Notice re F	atent Drawing, PTC	D-948.					
	by Applicant, PTO-1- to Effect Drawing C	449 4. Notice of in	nformal Patent Appl	ication, Form PTO-152.					
Partil SUMMARY OF AC	TION								
LE Claims \-2	`								
Of the above									
2. Claims									
3. L Claims	. 3								
4. 🔯 Claims 1 - 7									
5. Claims				are objected to.					
6. Claims	6. Claims are subject to restriction or election requirement.								
7. This application has	been filed with infor	mal drawings under 37 C.F.R. 1.85 which are	acceptable for exar	nination purposes.					
8.   Formal drawings are	required in respons	e to this Office action.		•					
9. The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are acceptable not acceptable (see explanation or Notice re Patent Drawing, PTO-948).									
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).									
11.   The proposed drawing	ng correction, filed o	n, has been 🔲 appro	ved. 🗆 disapprov	red (see explanation).					
12. Acknowledgment is									
		l no; filed on _							
13. Since this application accordance with the	n appears to be in co practice under Ex pa	ndition for allowance except for formal matter arte Quayle, 1935 C.D. 11; 453 O.G. 213.	rs, prosecution as t	o the merits is closed in					
14 Other		.5							
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EXAMINER'S ACTION

PTOL-326 (Rev. 9-89)



Serial No. 08/158033 Art Unit 2312

This action is in response to the filing of a Divisional application on November 26, 1993.

The drawings filed November 26, 1993 are not objected to by the Office draftsman, see accompanying PTO-948.

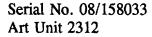
The disclosure is objected to because of the following informalities:

The specification and drawings must be amended and revised to correct unnecessary prolixity and secure correspondence between the claims, the specification and the drawings as required, see 37 C.F.R. § 1.117.

The claims appear to be directed to the transfer and storage of data between various parts of a network system. Therefore, the specification and drawings must be modified to comply with the rules.

More specifically, figures 1, 2, 3a and 3b appear to correspond to the claimed subject matter. Figures 4a, 4b, 4c, 4d, 5a and 5b must be modified to remove all of the unrelated subject matter. Figures 6 through 11 must be cancelled, as they do not appear to relate to the claimed subject matter.

The claims as presented are extremely broad and do not include many significant details of any sort. Therefore, it is clear that the 65 pages of specification are excessive. The description of the claimed invention appears to be limited to pages 45 through 51. Pages 8 through 44 and 52 through 65 should be reduced to a few pages to focus the disclosure on the claimed invention and obtain the required correspondence. Additionally, it is noted that pages 45 through 51 include a significant amount of superfluous information that is not found in any of the claims and these pages should also be significantly edited.



Appropriate correction is required.

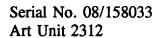
Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As pointed out above, the specification is exceedingly long, and includes detailed discussion of numerous aspects that do not appear to be related to the claimed subject matter. Inasmuch as some ambiguity exists as to what portions of the vast specification correspond to the claims, the claims are rejected as being vague and indefinite. Further, the terms and phrases used in the claims do not appear to have clear support or antecedent basis in the specification as required, therefore adding to the ambiguity, see 37 C.F.R. § 1.75(d)(1).

Finally, inasmuch as the presently filed divisional application is significantly editorially different from the parent application, it is not clear where the presently claimed subject matter has support in the parent application, for purposes of establishing the effective date of the claimed subject matter (note that the immediate parent of the present application is a continuation-in-part of a still further continuation-in-part application). Applicant is requested o indicate what pages of the parent application disclose the instant invention and state when that particular subject matter was initially presented.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form he basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.



(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

Claims 1-2 are rejected under 35 U.S.C. § 102(a) as being anticipated by standard downloading practices. Well before applicants filing date, it was a common procedure for computer users to dial up to bulletin board services and other systems for the purpose of playing games, exchanging software, etc. Typically, these bulletin boards would download terminal software (e.g., VT100, ANSI etc.), or decompression software (e.g., PKZIP, etc.) which was saved for subsequent uses (sessions). These files would have included storage control or data

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Serial No. 08/158033 Art Unit 2312

identification parameters (e.g., archive, read-only, file name, version numbers, time stamps, etc.). Official notice of such well known procedures and practices is taken.

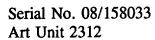
Claims 1-2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kret. The system described by Kret (i.e., TIRKS) teaches transferring data from a network host to a user work-station. Data stores exist at both the Host and workstation, data was transferred back and forth with appropriate storage control or data identification parameters, including date, time stamp, version number, etc., for future manipulation and work, and selectively retained and managed.

Claims 3:20 are rejected under 35 U.S.C. § 103 as being unpatentable over Kret in view of standard practices in the art. The basics of the Kret teachings have been discussed above.

Note that the disclosed workstations are IBM PCs running PC-DOS, and as such inherently include short term (session) memory (RAM) and long term (between session) memory (disks).

The reference does not appear to teach a least-recently-used data management system for selectively retaining data at the workstations or in memory; or a cache system for temporarily caching the data. It was well known in the art to manage limited resources like memory in a least-recently-used (LRU) fashion to reduce required amount of memory and to thereby reduce costs while not seriously degrading performance by selectively retaining those portions of data that appear to be in most demand, and Official notice is taken. Applicants are also aware of the notorious nature of such systems, see specification, page 45, lines 33-35. The use of caches was also notorious, to speed up access to and from slower forms of memory (e.g., disks, dynamic ram, etc.) or to buffer incoming or outgoing transmissions, etc. It would have been obvious at





the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the system described by Kret to include notoriously well known caching to speed up the system data accessing as well as to include notoriously well known LRU memory management system to provide for improved system performance as was well known.

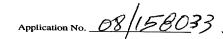
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Robertson whose telephone number is (703) 305-3825.

DLR/012 April 1, 1994

DAVID L. ROBERTSON PRIMARY EXAMINER ART UNIT 2312

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NOTICE OF REFERENCES CITED  APPLICANT(S)  Fileppe et al.																	
U.S. PATENT D										U.S. PATE	NT DOCUM	IENTS			<u> </u>		
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* A copy of this reference is not being furnished with this office action.																	



## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

PTO Draftpersons review all originally filed drawings regardless of whether they are designated as formal or informal. Additionally, patent Examiners will review the drawings for compliance with the regulations. Direct telephone inquiries concerning this review to the Drawing Review Branch, 703-305-8404.

The drawings filed (insert date) 11126 193 are	NA 110 10
A not objected to by the Draftsperson under 37 CFR 1.84 or 1.152.	Modified forms. 37 CFR 1.84(h)(5)
B objected to by the Draftsperson under 37 CFR 1.84 or 1.152 as	Modified forms of construction must be shown in separate views.  Fig(s)
indicated below. The Examiner will require submission of new, corrected	115(3)
drawings when necessary. Corrected drawings must be submitted	9 ADD ANCERTED OF VITAVO AT COMMAND
according to the instructions on the back of this Notice.	8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)
1. DD ANIMACO OF COMP A OAK A	View placed upon another view or within outline of another.  Fig(s)
<ol> <li>DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink. Color.</li> </ol>	Words do not appear in a horizontal, left-to-right fashion when
Not black solid lines. Fig(s)	page is either upright or turned so that the top becomes the right
Color drawings are not acceptable until petition is granted.	side, except for graphs. Fig(s)
octor are migo and not accorpanate trains position is granted.	
2. PHOTOGRAPHS. 37 CFR 1.84(b)	9. SCALE. 37 CFR 1.84(k)
Photographs are not acceptable until petition is granted.	Scale not large enough to show mechanism without crowding
والمن المنافعة المناف	when drawing is reduced in size to two-thirds in reproduction.
3. GRAPHIC FORMS. 37 CFR 1.84 (d)	Fig(s)
Chemical or mathematical formula not labeled as separate figure.  Fig(s)	Indication such as "actual size" or "scale 1/2" not permitted.  Fig(s)
Group of waveforms not presented as a single figure, using	Elements of same view not in proportion to each other.
common vertical axis with time extending along horizontal axis.	Fig(s)
Eig(s)	•
Individuals waveform not identified with a separate letter	10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)
designation adjacent to the vertical axis. Fig(s)	Lines, numbers & letters not uniformly thick and well defined.
A THIRD OF DANES OF STREET	clean, durable, and black (except for color drawings).
4. TYPE OF PAPER. 37 GFR 1.84(e)	Fig(s)
Paper not flexible, strong, white, smooth, nonshiny, and durable.  Sheet(s)	
Erasures, alterations, overwritings, interlineations, cracks, creases,	11. SHADING. 37 CFR 1.84(m)
and folds not allowed. Sheet(s)	Shading used for other than shape of spherical, cylindrical, and
	conical elements of an object, or for flat parts.
5. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable paper sizes:	Solid black shading areas not permitted. Fig(s)
21.6 cm. by 35.6 cm. (8 1/2 by 14 inches)	Solid States stating areas not permitted. Fig(s)
21.6 cm. by 33.1 cm. (8 1/2 by 13 inches)	12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR
21.6 cm. by 27.9 cm. (8 1/2 by 11 inches) 21.0 cm. by 29.7 cm. (DIN size A4)	1.84(p)
All drawing sheets not the same size. Sheet(s)	Numbers and reference characters not plain and legible. 37 CFR
Drawing sheet not an acceptable size. Sheet(s)	1.84(p)(l) Fig(s)
	Numbers and reference characters used in conjuction with
6. MARGINS. 37 CFR 1.84(g): Acceptable margins:	brackets, inverted commas, or enclosed within outlines. 37 CFR
Paper size	1.84(p)(l) Fig(s)
21.6 cm. X 35.6 cm. 21.6 cm X 33.1 cm. 21 cm. X 27.9 cm. 21 cm. X 29.7 cm.	Numbers and reference characters not oriented in same direction as the view. 37 CFR 1.84(p)(l) Fig(s)
(8 1/2 X 14 inches) (8 1/2 X 13 inches) (8 1/2 X 11 inches) (DIN Size A4) T 5.1 cm. (2") 2.5 cm. (1") 2.5 cm. (1") 2.5 cm.	English alphabet not used. 37 CFR 1.84(p)(2)
L .64 cm. (1/4") .64 cm. (1/4") .64 cm. (1/4") 2.5 cm.	Fig(s)
R .64 cm. (1/4") .64 cm. (1/4") .64 cm. (1/4") 1.5 cm. B .64 cm. (1/4") .64 cm. (1/4") 1.0 cm.	Numbers, letters, and reference characters do not measure at least
B .64 cm. (1/4") .64 cm. (1/4") 1.0 cm.  Margins do not conform to chart above.	.32 cm. (1/8 inch) in height. 37 CFR(p)(3)
Sheet(s)	Fig(s)
Top (I) Left (L)Right (R)Bottom (B)	12 LEADINES 27 OFF 1 244
7. VIEWS. 37 CFR 1.84(h)	13. LEAD LINES. 37 CFR 1.84(q)  Lead lines cross each other. Fig(s)
REMINDER: Specification may require revision to correspond to	Lead lines missing. Fig(s)
drawing changes.	Lead lines not as short as possible. Fig(s)
All views not grouped together. Fig(s)	· · · · · · · · · · · · · · · · · · ·
Views connected by projection lines. Fig(s)	14. NUMBERING OF SHEETS OF DRAWINGS, 37 CFR 1.84(t)
Views contain center lines. Fig(s)	Number appears in top margin. Fig(s)
Partial views. 37 CFR 1.84(h)(2)  Separate sheets not linked edge to edge.	Number not larger than reference characters.
Fig(s)	Fig(s)
View and enlarged view not labeled separately.	Sheets not numbered consecutively, and in Arabic numerals,
Fig(s)	beginning with number 1. Sheet(s)
Long view relationship between different parts not clear and	15. NUMBER OF VIEWS, 37 CFR 1.84(u)
unambiguous. 37 CFR 1.84(h)(2)(iii)	Views not numbered consecutively, and in Arabic numerals,
Fig(s)Sectional views. 37 CFR 1.84(h)(3)	beginning with number 1. Fig(s)
Hatching not indicated for sectional portions of an object.	View numbers not preceded by the abbreviation Fig.
Fig(s)	Fig(s)
Hatching of regularly spaced oblique parallel lines not spaced	Single view contains a view number and the abbreviation Fig.
sufficiently. Fig(s)	Numbers not larger than reference characters.
Hatching not at substantial angle to surrounding axes or principal	Fig(s)
lines. Fig(s)  Cross section not drawn same as view with parts in cross section	16 CODDECTIONS 27 CTD 1 04/
with regularly spaced parallel oblique strokes.	16. CORRECTIONS. 37 CFR 1.84(w)
Fig(s)	Corrections not durable and permanent. Fig(s)
Hatching of juxtaposed different elements not angled in a different	17. DESIGN DRAWING. 37 CFR 1.152
way. Fig(s)	Surface shading shown not appropriate. Fig(s)
Alternate position. 37 CFR 1.84(h)(4)	Solid black shading not used for color contrast.
A separate view required for a moved position.	Fig(s)
Fig(s)	
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ATTACHMENT TO PAPER NO.

EVIEWER TANG

DATE 12/28/92